United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

09/14/2004

Rex Medical, L.P. 585 County Line Road Radnor, PA 19087 RECEIVED

SEP 3 0 2004

EXAMINER

KENNEDY, SHARON E

PAPER NUMBER

ART UNIT

3762

DATE MAILED: 09/14/2004

TECHNOLOGY CENTER R3700

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,505	12/19/2001	James F. McGuckin JR.	1114	6449

TITLE OF INVENTION: DIALYSIS CATHETER AND METHODS OF INSERTION

APPLN. TYPE	SMALL ENTITY	, ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	12/14/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE, INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

HI: All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

(703) 746-4000 or <u>Fax</u>

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks I through 5 should be completed where

indicated unless corrected maintenance fee notification	below or directed otherwise	in Block 1, by (a)	specifying a new co	orrespondence addres	s; and/or (b) indicating a sepa	rate "FEE ADDRESS" for					
CURRENT CORRESPONDENCE	CE ADDRESS (Note: Use Block 1 for	any change of address)		Note: A certificate o	of mailing can only be used for his certificate cannot be used in	or domestic mailings of the					
7:	590 09/14/2004			papers. Each addition have its own certification	his certificate cannot be used that paper, such as an assignmente of mailing or transmission.	ent or formal drawing, must					
Rex Medical, L.F) .			C	ertificate of Mailing or Trans	smission					
585 County Line R	load			I hereby certify that States Postal Service	this Fee(s) Transmittal is being with sufficient postage for fir ail Stop ISSUE FEE address PTO (703) 746-4000, on the d	g deposited with the United st class mail in an envelope					
Radnor, PA 19087				addressed to the Ma transmitted to the US	ail Stop ISSUE FEE address PTO (703) 746-4000, on the d	above, or being facsimile late indicated below.					
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						(Signature)					
					•	(Date)					
APPLICATION NO.	. FILING DATE	F	IRST NAMED INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.					
10/025,505	12/19/2001		James F. McGuckin	JR.	1114	6449					
TITLE OF INVENTION: D	IALYSIS CATHETER ANI	METHODS OF IN	SERTION								
APPLN. TYPE	SMALL ENTITY	ISSUE FE	E PL	BLICATION FEE	TOTAL FEE(S) DUE	DATE DUE					
nonprovisional	YES	\$665	•	\$300	\$965	12/14/2004					
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KENNEDY,	SHARON E	3762		604-043000	J						
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CFR 1.363).		`	(1) the names of u	p to 3 registered pate	•						
Address form PTO/SB/12	lence address (or Change of 22) attached.	Correspondence	or agents OR, alter (2) the name of a	natively, single firm (having as	a member a 2						
"Fee Address" indicate PTO/SB/47: Rev 03-02	tion (or "Fee Address" Indicator more recent) attached. Use	ation form	registered attorney	or agent) and the natattorneys or agents. I	mes of up to						
Number is required.			listed, no name wi	l be printed.	<u> </u>						
	RESIDENCE DATA TO B										
PLEASE NOTE: Unless recordation as set forth in	an assignee is identified be 37 CFR 3.11. Completion	elow, no assignee doof this form is NOT	ata will appear on the a substitute for filing	ne patent. If an assig g an assignment.	nee is identified below, the d	ocument has been filed for					
(A) NAME OF ASSIGN	EE	(B)	RESIDENCE: (CIT	Y and STATE OR CO	OUNTRY)						
	assignee category or catego	ries (will not be prir	nted on the patent):	Individual 🔲 (Corporation or other private gro	oup entity Government					
4a. The following fee(s) are Issue Fee	enclosed:		Payment of Fee(s):	64 . 6 . / > :							
	mall entity discount permitte			nount of the fee(s) is e t card. Form PTO-203							
	Copies	(The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to								
			Deposit Account Nu	nber	(enclose an èxtra c	opy of this form).					
	(from status indicated above MALL ENTITY status. See		b. Applicant is no	longer claiming SMA	ALL ENTITY status. See 37 C	FR 1.27(g)(2).					
NOTE: The Issue Fee and Pinterest as shown by the reco	ublication Fee (if required) vords of the United States Pate	vill not be accepted ent and Trademark C	from anyone other th Office.	an the applicant; a re	sly paid issue fee to the applica gistered attorney or agent; or th	ne assignee or other party in					
Authorized Signature				Date							
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This collection of information	on is required by 37 CFR 1.3	11. The information	is required to obtain	or retain a benefit by	the public which is to file (and minutes to complete, includin comments on the amount of ti d Trademark Office, U.S. Depa SS. SEND TO: Commissioner	by the USPTO to process)					
submitting the completed ap	oplication form to the USPT	O. Time will vary d	lepending upon the i	ndividual case. Any of	comments on the amount of the	me you require to complete					
Box 1450, Alexandria, Virgi Alexandria, Virginia 22313-	inia 22313-1450. DO NOT 1450.	SEND FEES OR CO	OMPLETED FORM	S TO THIS ADDRES	SS. SEND TO: Commissioner	for Patents, P.O. Box 1450,					
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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.						
10/025,505	10/025,505 12/19/2001		James F. McGuckin JR.	1114 6449							
7:	590	09/14/2004		EXAM	INER						
Rex Medical, L.F				KENNEDY,	SHARON E						
585 County Line R Radnor, PA 19087				ART UNIT	PAPER NUMBER						
•				3762							
				DATE MAILED: 09/14/2004	1						

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 509 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 509 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/025,505	12/19/2001	James F. McGuckin JR.	1114	6449		
7:	590 09/14/2004		EXAM	INER		
Rex Medical, L.F			KENNEDY,	SHARON E		
585 County Line R	load					
Radnor, PA 19087			ART UNIT	PAPER NUMBER		
			3762			

DATE MAILED: 09/14/2004

Notice of Fee Increase on October 1, 2004

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2004, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" because some fees will increase effective October 1, 2004. See Revision of Patent Fees for Fiscal Year 2005; Final Rule, 69 Fed. Reg. 52604, 52606 (May 10, 2004).

The current fee schedule is accessible from WEB site (http://www.uspto.gov/main/howtofees.htm).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2004 (or mailed with a certificate of mailing on or after October 1, 2004), the issue fee paid should be the fee that is required at the time the fee is paid. See Manual of Patent Examining Procedure (MPEP), Section 1306 (Eighth Edition, Rev. 2, May 2004). If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See MPEP Section 1308.01.

Effective October 1, 2004, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))	\$685.00
By other than a small entity	\$1,370.00
(b) Issue fee for issuing a design patent:	
By a small entity (Sec. 1.27(a))	\$245.00
By other than a small entity	\$490.00
(c) Issue fee for issuing a plant patent:	
By a small entity (Sec. 1.27(a))	\$330.00
By other than a small entity	\$660.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	Application No.	Applicant(s)				
	10/025,505	MCGUCKIN ET AL.				
Notice of Allowability	Examiner	Art Unit				
	Sharon Kennedy	3762				
	Sharon Kennedy					
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	olication. If not included will be mailed in due course. THIS				
1. This communication is responsive to <u>amendment and IDS</u>	faxed on 11 August 2004.	* (1)				
2. The allowed claim(s) is/are 1-10 and 15-18.	*	•				
3. X The drawings filed on 19 December 2001 are accepted by	the Examiner.					
4. Acknowledgment is made of a claim for foreign priority unall All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have 1. International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the company of the priority and the deposit of the priority documents and the deposit of the priority documents and the policy attached Examiner's comment regarding REQUIREMENT	been received. been received in Application No cuments have been received in this in of this communication to file a reply file of this application. inted. Note the attached EXAMINER es reason(s) why the oath or declarate st be submitted. son's Patent Drawing Review (PTO- is Amendment / Comment or in the Coll.84(c)) should be written on the drawle the header according to 37 CFR 1.121(national stage application from the complying with the requirements 'S AMENDMENT or NOTICE OF tion is deficient. 948) attached Office action of the back) of d). must be submitted. Note the				
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/neaper No./Mail Date 08112004 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. Interview Summary Paper No./Mail Da 08), 7. Examiner's Amendo	te				

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NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT REFERENCES

Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

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Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at:

http://www.uspto.gov/ebc/downloads.html. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: http://www.uspto.gov/web/forms/sb0125.pdf. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: http://www.uspto.gov/ebc/registration-pair.html.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent, application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at eReference@uspto.gov or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Implémentation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at http://www.uspto.gov/web/patents/ifw/index.html. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Date. 12 1/03

Michales P. Fodici

Commissioner for Patents

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